

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

CANON INC.,)	
)	
Plaintiff,)	
)	Case No. 3:18-CV-000150-TMR
vs.)	
)	STIPULATION, CONSENT
INK TECHNOLOGIES PRINTER SUPPLIES,)	JUDGMENT, AND PERMANENT
LLC,)	INJUNCTION
)	
Defendant.)	

This Stipulation, Consent Judgment, and Permanent Injunction (“Consent Judgment”) is entered into by and between Plaintiff Canon Inc. (“Canon”) and Defendant Ink Technologies Printer Supplies, LLC (“Ink Technologies”), subject to approval by the Court.

WHEREAS, Canon brought this suit against Ink Technologies for infringement of Canon’s U.S. Patent No. 9,581,958 B2 (the “’958 Patent”) based on Ink Technologies’s unauthorized manufacture, importation, sale, and/or offer for sale of certain toner cartridges, including toner cartridges having the following product designations: HE-CF360X; HE-CF361X; HE-CF362X; and HE-CF363X (“Accused Products”);

WHEREAS, Ink Technologies wishes to conclude this litigation at Canon’s initial pleading stage without contesting infringement, validity, or enforceability of any claims of the ’958 Patent;

WHEREAS, Canon and Ink Technologies have agreed in a separate agreement to settle the matters in issue between them; and

WHEREAS, Canon and Ink Technologies, through their respective counsel, hereby agree to entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED, AND ADJUDGED:

1. This is an action for patent infringement under the patent laws of the United States, Title 35 of the United States Code.

2. This Court has jurisdiction over Ink Technologies and the subject matter of this action under 28 U.S.C §§ 1331 and 1338(a). Venue is proper in this Court pursuant to 28 U.S.C § 1400(b).

3. Canon is the owner of all right, title, and interest in and to the '958 Patent.

4. Ink Technologies does not contest that all of claims 1-15, 17, 18, 20-37, 39, 40, 42-87, and 89-96 of the '958 Patent are valid, enforceable, and infringed by the Accused Products.

5. Ink Technologies has sold and offered for sale in the United States the Accused Products.

6. Effective as of the date this Consent Judgment is entered by the Court, Ink Technologies and its subsidiaries, affiliates, officers, directors, agents, servants, employees, successors, and assigns, and all other persons and organizations in active concert or participation with any of the foregoing, are hereby permanently enjoined and restrained from engaging in any of the following activities:

(a) making, using, selling, or offering for sale in the United States, or importing into the United States, during the remaining term of the '958 Patent, any of the Accused Products and any other toner cartridges that are not more than colorably different from the Accused Products and infringe one or more of the claims of the '958 Patent;

(b) otherwise directly infringing, contributorily infringing, or inducing infringement of any of the claims of the '958 Patent with respect to the Accused Products or any other toner cartridges that are not more than colorably different from the Accused Products and fall within the scope of one or more of the claims of the '958 Patent; and

(c) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (a) and (b) above.

7. Ink Technologies and Canon shall bear their own costs and attorney fees.

8. This Consent Judgment constitutes a final judgment concerning the subject matter of this action.

9. Ink Technologies and Canon waive any right to appeal from this Consent Judgment.

10. Upon entry of this Consent Judgment, this action is dismissed, with prejudice; provided, however, that this Court shall retain jurisdiction to enforce the terms and provisions of this Consent Judgment.

STIPULATED AND CONSENTED TO:

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Attorneys for Plaintiff Canon Inc.

SO ORDERED:

Dated: August 21, 2018

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge